

AMENDED IN ASSEMBLY APRIL 16, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 923**

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**Introduced by Assembly Member Wolk**

February 22, 2007

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An act to add Section 708 to the Fish and Game Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

AB 923, as amended, Wolk. California Comprehensive Wildlife Action Plan.

Existing law establishes the Department of Fish and Game within the Resources Agency, and generally charges the department with the administration and enforcement of the Fish and Game Code.

*The Natural Community Conservation Planning Act authorizes the department to enter into agreements with any person or public entity for the purpose of preparing a natural community conservation plan, to provide comprehensive management and conservation of multiple wildlife species.*

This bill would require the department, *in the exercise of its existing authority and discretion, to take necessary steps to prioritize and implement, review, and update a specified comprehensive wildlife conservation plan, and for that purpose, the recommendations of the California Comprehensive Wildlife Action Plan prepared by the department. The bill would require the department to create a committee to advise and assist the department in implementing the plan, develop a detailed monitoring plan to demonstrate how the department will monitor the species, habitats, and actions identified or recommended*

in the plan, *review and update the plan every 5 years*, and make specified reports *on the progress of implementation*.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) In 2000, Congress enacted the State Wildlife Grants Program  
4 to support state programs that broadly benefit wildlife and habitats,  
5 particularly species having the greatest need for conservation  
6 without federal protection under the Endangered Species Act.

7 (b) As a requirement of receiving federal funding under this  
8 program, the Department of Fish and Game agreed to submit a  
9 comprehensive wildlife conservation strategy to the United States  
10 Fish and Wildlife Service.

11 (c) Congress intended that the wildlife conservation strategies  
12 developed by state fish and wildlife agencies guide future nongame  
13 wildlife conservation actions by these state agencies and  
14 conservation actions taken by others on behalf of nongame species.

15 (d) Congress directed the state fish and wildlife agencies to  
16 develop wildlife conservation strategies, provide a process for  
17 reviewing and updating these strategies at intervals not to exceed  
18 10 years, and develop plans for implementing these strategies.

19 (e) Congress has affirmed that broad public participation is an  
20 essential element of developing and implementing these strategies.

21 (f) The Department of Fish and Game faces increasing  
22 responsibilities to conserve nongame wildlife with limited  
23 resources.

24 (g) In 2006, the Department of Fish and Game submitted its  
25 comprehensive wildlife conservation strategy, the California  
26 Comprehensive Wildlife Action Plan, to the United States Fish  
27 and Wildlife Service.

28 (h) The California Comprehensive Wildlife Action Plan includes  
29 a detailed review of the ~~threats facing~~ *status of* California's  
30 nongame wildlife populations and the conservation actions  
31 ~~necessary~~ *recommended* to protect and conserve these species.

32 (i) The California Comprehensive Wildlife Action Plan provides  
33 the Department of Fish and Game with the opportunity to identify,

1 assess, and prioritize its nongame wildlife conservation needs and  
2 actions for the future.

3 SEC. 2. Section 708 is added to the Fish and Game Code, to  
4 read:

5 708. (a) The department ~~shall take all necessary steps to, in~~  
6 *the exercise of its existing authority and discretion, shall take*  
7 *necessary steps to prioritize and implement the recommendations*  
8 *of the California Comprehensive Wildlife Action Plan, including,*  
9 but not limited to, both of the following:

10 (1) Create an implementation committee to advise and assist  
11 the department in implementing the plan, including, but not limited  
12 to, prioritizing the conservation actions identified in the plan,  
13 reviewing and updating the conservation goals and actions, and  
14 identifying potential funding options to implement the plan. The  
15 implementation committee shall be comprised of a balanced group  
16 of stakeholders who have an interest in nongame conservation,  
17 and shall consist of representatives from the department, other  
18 state agencies, local government, federal agencies,  
19 nongovernmental conservation organizations, *landowners,*  
20 *agriculture, recreation, scientific entities, industry, and other*  
21 *interested parties. To the extent feasible, the department shall work*  
22 *with existing collaborative efforts, including, but not limited to, a*  
23 *joint venture formed pursuant to the United States Fish and Wildlife*  
24 *Service Director's Order No. 146.*

25 ~~(2) Develop a detailed monitoring plan to demonstrate how the~~  
26 ~~department will monitor the species, habitats, and actions identified~~  
27 ~~in the plan.~~

28 (2) *Develop a detailed plan to monitor the species, habitats,*  
29 *and actions identified or recommended in the plan to allow*  
30 *evaluation of the effectiveness of the conservation actions*  
31 *undertaken pursuant to the plan.*

32 (b) The department shall review and update the California  
33 Comprehensive Wildlife Action Plan every five years based on  
34 results from monitoring species, habitats, and actions identified in  
35 the plan.

36 (c) On or before January 1, 2009, and biannually thereafter, the  
37 department shall submit a report to the Legislature on the progress  
38 of implementing the California Comprehensive Wildlife Action  
39 Plan.

1     (d) *This section does not require, mandate, or authorize, under*  
2     *state or federal law, any state or local planning, zoning, or other*  
3     *land use action or decision.*

4     (e) *This section does not change, under state or federal law,*  
5     *any legal rights and privileges of ownership or use of privately*  
6     *owned or publicly owned property, including, but not limited to,*  
7     *access to property for monitoring purposes.*

8     (f) *This section does not establish a cause of action, nor shall*  
9     *it be the basis for maintaining any judicial action, seeking to*  
10    *require the department or any other party to implement any*  
11    *recommendation or provision of the plan as it now exists or may*  
12    *be subsequently amended or updated.*